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STUDENT NEWSPAPER OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL

November 25, 2003



Since 1950



Vol. 54 No. 7

Professor Points out Problems, Pitfalls of Police Profiling Practices

By Sarah Rykowski

Racial profiling on the part of law enforcement isn't necessarily an error borne out of racism—it's simply used as a short cut to stop crime. Officers apply race as one of several factors to determine which people are more likely to be involved in criminal activity. Whether or not this policy works is an entirely different issue, one David A. Harris tackled in his "Driving While Black: Profiles in Injustice" lecture on September 19, 2003 at the law school.

According to Harris, author of "Profiles in Injustice: Why Racial Profiling Cannot Work," published in 2002, "What's happening when race becomes a cue, the eyes of law enforcement are drawn away from what's really important: behavior. It not only doesn't make sense, it actually hurts."

Prior to the events of September 11, 2001, most Americans would have agreed with Harris. Post-September 11, however, feelings have changed.

"How do we meet this challenge?" Harris, the leading national authority on racial profiling, asked his audience. "You [have to] look at what we knew about profiling before 9/11 and ask what it means now."

Harris argued that, because of the "built-in assumption that blacks and

other groups, from society, and eventually from the law itself.

"It eats into the confidence that this group must have in social institutions," Harris said. "It reaches into society as a whole as society discovers it. The group begins to disbelieve, to distrust police once they become aware of it. There is the feeling that you can't trust these institutions. You can't trust the law."

And the law, as Harris put it, is "the glue that holds society together. That's why you are law students. That's why you are here today."

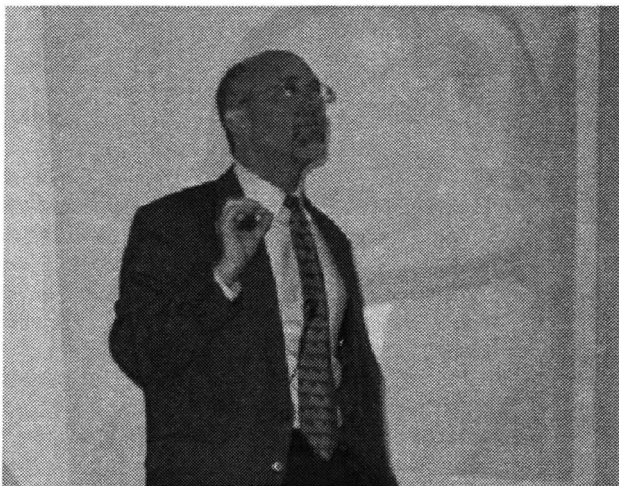
So does racial profiling really do the job? Does it really cut crime and benefit society? In order to determine the effect of racial profiling on law enforcement, one needs data. And data, particularly in this area, is in extremely short supply. However, using

a study done on the NYPD by Columbia, the effects of racial profiling are apparent.

The information compiled by the NYPD kept track of stops and frisks by officers, and a form was filed out for each stop, including the basis of the stop

Latinos are more crime prone, [officers] use race as a targeting characteristic. [The police] think it's the right way to catch the bad guys and help people. It's guilt by association of an entire group."

This guilt by association, however, leads to the alienation of that group from



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Res Gestae

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A Ticket to Ride, Straight to the Big House

By Jessie Grodstein Kennedy

For the bargain basement price of \$19.50 a ticket, University of Michigan students have the option of purchasing a season's worth of home games. The opportunity comes as soon as the admission letter arrives, when one is but a wee pup of a Wolverine. The same \$19.50 buys access to a Houston, Notre Dame or Ohio State game; "quality of game" plays no part in the pricing. And the tickets themselves are all printed with the same blue and maize patterns; an Ohio State ticket doesn't come encrusted with diamonds or rimmed in gold.

So what makes some students think that they can unload these tickets for at least \$150?

As frequent visitors to the Law School's classified list are well aware, the days leading up to the November 22 Ohio State kick-off saw a groundswell of postings advertising spare tickets. Most students didn't name their prices, instead willing to let the free market dictate a ticket's value. ("Aamace" promised the "best offer by noon Friday" would have the ticket, while "Rshill" pressed readers, "make me an offer I can't refuse.")

Yet Michigan law clearly prohibits the sale of a ticket "at a price in excess of the amount set forth on the ticket." Mich. Comp. Laws §750.465. The law provides for one exception, the rare instance in which the person selling the ticket "has the written permission of the owner or manager of the event or place where the event occurs." So, have the law-abiding students at the Law School been granted this exception?

The closest that the University comes to bestowing its permission to sell a student ticket is through the "validation" scheme. With this system, a student can get "friends and family" into the stadium on game day by paying a \$25 flat fee. That \$25 buys the student a halographed, Technicolor sticker, while conveniently allowing the University to recoup some of the revenue from these tickets.

For those in need of further guidance on how to use the validation method, those in charge of the www.mgoblue.com website provide a (helpful?) example: "On Thursday you find out that you need to study and cannot attend Saturday's game, but your roommate's brother is looking for a ticket. Your roommate can validate the ticket on Friday so his or her brother can use the ticket."

Interestingly enough, there is no mention of the fact that you can charge your roommate's brother ten times face value when "giving" him the ticket.

But shouldn't the simple laws of supply and demand dictate that the tickets should rightly fall in the hands of the highest bidders? Subjective value placed on an Ohio State ticket does in fact raise its price (or cost) above the \$19.50 face value. Along with the ticket, a buyer gets to witness an historic Big Ten rivalry, one where bowl eligibility is determined. And, with admission into the Big House, the buyer even has the opportunity to be part of the "largest crowd watching a live football game anywhere in America."

Not to mention that the bargaining goes both ways. Ssadighi, who started out with a \$200 asking price, admitted his folly and came back to the bargaining table with the following: "OK, so I had a hard time

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Robert Rubin Welcomed at 2003 Dean's Special Lecture

By John Fedynsky

Lights, cameras and a standing room only crowd in Honigman Auditorium welcomed Robert Rubin on Tuesday, November 11. The former Secretary of the Treasury for the Clinton Administration and current director and chairman of the executive committee of Citigroup, Inc. visited the Law School to deliver the 2003 Dean's Special Lecture.

After brief remarks by Dean Evan Caminker, Assistant Professor Michael Barr, a relatively new member of the faculty and a former colleague of Rubin's at Treasury, formally introduced Rubin.

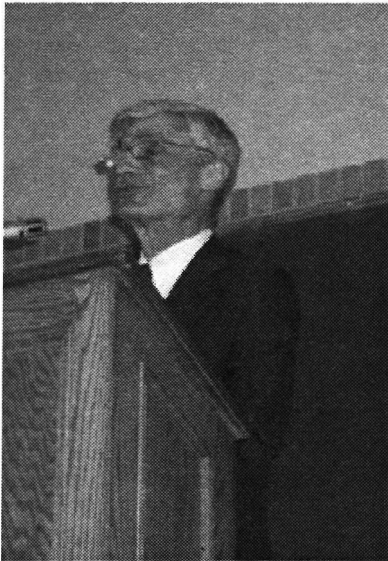
Rubin thanked Barr and jokingly distanced himself from Barr's claim that Rubin was the principal architect of Clinton's economic policy. "Bill Clinton might have something to say about that," quipped Rubin.

The speech was titled "Globalization, Trade and Our Fiscal Morass: The Challenges Ahead." The speech focused on some key economic issues that Rubin said face America, as well as his own outlook on where the economy is headed.

Prefacing his remarks with a general description of his own worldview, Rubin recounted a philosophy course that he took as a sophomore at Harvard. The ultimate conclusion and theme of the course was, "there is no provable certainty," Rubin said. Accepting that view, "then reality is complex and decisions are about probabilities," said Rubin. "The number one priority is to have this mindset," he said. Rubin's acceptance of that mindset was apparent in his remarks, as well as in the title of his new book, "In an Uncertain World."

Throughout his speech, Rubin referred to deeper analysis in his book. His light-hearted and at times frequent sales pitches elicited laughter, particularly when he said that purchasers of 100 of his books "get a free toaster."

Despite inherent uncertainty, Rubin said that good and bad policy choices exist and that much depends on those



choices. "Policy was central and indispensable [to the growth of the 1990s]," he said. Rubin also noted that America would benefit from a more economically literate electorate.

Despite the growth of the 1990s, Rubin acknowledged "imbalances" that arose, such as consumer and corporate debt, as well as an overvalued stock market. These imbalances, he said, lead to a "virtually inevitable period of difficulty." Rubin criticized some of the policy reactions, excepting the Federal Reserve Board, to the difficult time after the

booming 1990s. Particularly, Rubin criticized tax cuts that should have been temporary and focused on those more likely to spend.

The economic outlook, according to Rubin, is good until about the second quarter of next year. President Bush's stimulus packages, homeland security spending, and other factors will drive that growth, though Rubin noted concerns about unemployment. The "big question" according to Rubin is, once the stimulus runs its course, "will the recovery continue and be self-sustaining?"

He gave no hard and fast answer, but he did analyze some risks associated with the "big question." According to Rubin, most forecasters ignore the risks because they cannot be quantified and do not fit into economic models. First among them are domestic and global poverty. Aside from being a moral issue, Rubin said that there are "reasons of imperative self-interest" – such as combating alienation and terrorism – that should make poverty a large concern. He suggested that this risk calls for America to increase its foreign aid packages and to push for reform in the World Trade Organization.

The second risk that Rubin discussed was the need for geopolitical multilateralism. Related to that risk is the third one: trade. Rubin spoke at length about trade, noting in particular the politically difficult problem of overseas outsourcing of goods and services due in large part to real-time communication technology and large educated work forces abroad.

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New Student Group Takes Aim at School Policy, Federal Legislation

By Michael Murphy

Students opposed to a piece of federal legislation that they say is unfair and discriminatory formed a new student organization a week ago Friday.

The organization, known as Students Opposed to Solomon (SOS), presented a background of the Solomon Amendment, to 52 students and faculty members attending a Teach-in meeting, including its application to the U.S. military's policy of allowing openly homosexual applicants. The meeting, held on November 16, was pulled together by Lisa M. Spreitzer, 3L, and Beatriz Biscardi, 2L.

The military's "don't ask, don't tell" policy inhibits openly homosexual prospective applicants from joining. "You may serve but you have to lie all the time," explained Geniveve Vose, co-President of Outlaws, a law student organization dedicated to issues affecting gay, bisexual, transgender, and lesbian students.

The Solomon amendment, which passed in 1995, prevents colleges and universities that receive federal funds from denying the armed services access to any part of campus. This includes access to students on the school's campus, as the ability to participate in student recruiting. The amendment applies even when the college or university itself prohibits employers who discriminate on the basis of sexual orientation from recruiting on campus. Were the Law School to prohibit the military from recruiting on campus, federal funding would be threatened for the entire university.

According to a brochure distributed by the Law School's Office of Career Services ("Recruiting at Michigan 2003-2004"), the law school's recruiting policy prohibits employers whose hiring practices, "discriminate in recruitment or employment against any person because of race, color, national origin, ancestry, religion, creed, age, sex, marital status, sexual orientation, handicap, or Vietnam-era veteran status" from visiting campus.

An asterisk next to this passage states that the policy applicable to sexual orientation does not apply to the United States Armed Services.

In the early 90s, the Michigan Board of Regents directed the law school to grant access to the military. "Even should the Solomon amendment be repealed, the military would still interview on campus," said Madeline Findley, Speakers Committee Co-Chair for the Outlaws.

A group of law schools, including NYU and Boston University, created the Forum for Academic and Institutional Rights (FAIR) and, with the Society of American Law Teachers (SALT), sued the U.S. Government in federal court in New Jersey last month on the grounds that the Solomon Amendment violated the First Amendment. Namely, the schools' rights to free association and academic freedom are in jeopardy. Other Law schools that have publicly announced their membership in FAIR include Golden Gate University Law School and Chicago-Kent College of Law. Michigan's participation in the lawsuit is unlikely. "The general outlook is not very good. To join in the lawsuit, may have to go through board of regents," Vose said.

Recently, a judge in New Jersey denied the Government's motion to dismiss the

complaint for lack of standing (FAIR, law schools, SALT, individual faculty, law student associations, and law students all have standing). The Court also denied a motion for a preliminary injunction against application of the Amendment.

Dean Evan Caminker addressed the issue of on-campus military campus recruiting in an e-mail to students on Nov. 14. He addressed the cancellation of a lunchtime event with a representative from the Air Force Judge Advocate General (JAG), the publicity of which, according to Caminker "inadvertently created the impression that a Colonel from the U.S. Air Force Academy was invited to come to campus as a military recruiter."

Caminker added that the talk was not a recruiting visit, and he planned to find a "more appropriate forum in which (the speaker) might return to campus and speak in a non-recruiting capacity."

He will also create an Ad Hoc Dean's Advisory Committee on Military Recruiting comprised of faculty and students to examine this issue and recommend a course of action.

Several student groups, including the ACLU, Black Law Students Association (BLSA), and the Latino Law Students Association (LLSA) will vote soon about whether or not to join SOS in public opposition to the Solomon Amendment and on-campus military recruiting at the law school.

According to Biscardi, SOS's next goal is to distribute and collect signatures on a non-discrimination petition demonstrating popular student opposition to the Solomon amendment.



Treatment of JAG Corps Threatens Academic Freedom, Institutional Identity

By John Fedynsky

Something is rotten in the Hall of Hutchins. It stems from a decision by the administration (it is unclear who exactly made the call) to cancel a brown-bag lunch featuring a colonel from the Judge Advocate General (JAG) Corps of the U.S. Air Force.

According to our Dean, the military's congressionally sanctioned "don't ask, don't tell" policy violates the Law School and the American Association of Law Schools' anti-discrimination policy. Application of these policies would ban the presence of military recruiters on-campus. But the Regents of the University and federal legislation called the Solomon Amendment forces the Law School to make an exception or risk losing all of the University's federal funding.

It was within this context that the lunch sparked controversy. Some vocal students, according to one widely circulated e-mail, were "trouble[d] deeply" by the lunch, perceiving it as the Law School's "decision to go above and beyond the requirements of the Solomon Amendment [sic]. . . ." The event was promptly cancelled and Dean Evan Caminker sent the following explanation on Friday, November 14:

"The event was cancelled solely to avoid any confusion about whether it was indeed recruitment-oriented. It is emphatically not our policy or practice to cancel speakers based on a disagreement with their views or, in this case, the views of their employers; academic freedom is a preeminent value and virtue of this community."

Give me a break. Academic freedom lost out to a heckler's veto here and the

administration should acknowledge that fact and take corrective action. What is the harm of "confusion" here unless it is based largely on viewpoint? The harm is that some members of our community will mistakenly think that the Law School endorses a viewpoint that those members of the community find repugnant. Rather than remaining true to its role as part of a University where, if anywhere, a marketplace of ideas should flourish, the Law School bent to a heckler's veto and impermissibly squelched protected speech. That decision – whatever one's view on "don't ask, don't tell" – is troubling.

I question the Law School's decision on several other grounds. D.C. Lee outlined two of them in this newspaper back in September (long before this latest development) in response to an e-mail from Dean Caminker explaining the military recruiting situation: social loss and student autonomy. Though the lunch was not aimed at recruiting, information obtained at it might have aided interested students in their job search, with the possibility that some would have decided that the JAG Corps is not for them.

Herein lies the social loss. When the Law School categorically inhibits the ability of an employer as large and unique as the military from reaching students, even if only for informational purposes, it makes it harder for students to find the job of their choice. Student autonomy inheres in that last clause – *of their choice*. The choice should rest with students. We are all adults here, capable of gathering information and deciding for ourselves something as important as what kind of legal career to pursue.

Finally, a note on history. During and until after World War II, the Law School, in exchange for \$1 a year, hosted the JAG

School. Intrigued as a 1L by the plaques in Hutchins Hall and at the base of the flagpole in the Quad commemorating that relationship, I researched the story behind the plaques. I urge you to access it online. Go to our web site and look under RG Resources for the back issue of February 19, 2002. Read the article and see where you stand. I, for one, find it appalling that an institution that once fully devoted itself to the JAG Corps (the Lawyers' Club was so full that cadets were also housed in the Michigan Union) now cannot stand to even allow one of its officers to speak and answer questions for the benefit of students for one hour in one room. As Oliver Wendell Holmes wrote, "a page of history is worth a volume of logic." New York Trust Co. v. Eisner, 256 U.S. 345 (1921).

I rue the day that animus toward the JAG Corps nullifies all meaning behind those plaques, or, worse yet, results in their removal. The cancellation of the brown bag lunch was a disturbing step toward that possibility. On that shameful day that none of us should live to see, something will not just be rotten in Hutchins, it will be dead and gone.



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Quick, Legal Ways to Earn Extra Holiday Cash

By Sara Klettke MacWilliams

The holiday season is such a joke. Consumerism has turned the holidays into nothing but a shopping frenzy where normally rational Americans shower themselves and their families with high-priced sweets and \$20 posed pictures with fictional North Pole dwellers. This year, the only gifts I am giving are my love and homemade low carb brownies.

Who am I kidding? The holidays and all their excesses are wonderful. When those stingy people in the hiring office of your law firm turn down your request for a holiday bonus, here are some relatively easy, legal ways to earn enough extra cash to turn the three weeks off into a real vacation.

Get a 0% APR Credit Card Already

This is an especially good option for someone who will be entering a law firm in the next 11 months. Bank One (www.bankone.com)'s website lists a variety of 0% APR introductory rate cards offered through different institutions. The no-interest period runs six to twelve months depending on the card.

Downside: all the money you spend will, like your student loans, have to be paid back.

Sell Something

Ebay auctions: For a small monthly fee, you can register to become a vendor on Ebay. Start selling your possessions – or anything you can think of. One idea: next year's Michigan State ticket is nontransferable, but you can use your legal skills to find the loophole.

Krispy Kreme fundraiser: 248-427-0300, 27695 Grand River Avenue, Livonia, MI 48154: U-M campus has far fewer 24-hour pastry shops than the rest of the state. Drunk people, busy people, and people with a sweet tooth all love Krispy Kreme. Concoct an organization, call the Livonia Krispy Kreme to inform them of your fundraiser and to get a discounted fundraiser price, get advance orders (and advance payment), and drive to Livonia (this writer commutes from the area daily) to get donuts. Donuts are far more original than \$1 candy bars. The law of economics and food suggests that you can make more money selling mass quantities of cheap, sugary munchies than anyone will pay for your pre-graduation consulting services.

Downside: It may be extremely difficult to spend any time near delicate Krispy Kreme concoctions without eating them. This could lead to painful indigestion and an immense sugar high.

Mail Order Catalogue Representative

A long shot, but it may be worth a try, especially for those who have a sales rep's gift of persuasion.

Some ideas include Tupperware parties (www.tupperware.com) and Avon representatives (www.avon.com). You have very few resources and have already borrowed against your brain, so use the one you have unencumbered.

Be a medical test subject. U-M Medical School: www.med.mich/1clin/clintri.htm.

Recent studies reveal that all the preservatives used in food may be as harmful to people and their offspring as cigarettes. Despite these and other alarming studies, most Americans are much more concerned about what might

happen if they expose themselves to drug trials than what might happen if they live on boxed food. This is good news for you – medical researchers are hungry for subjects and thus pay, sometimes big bucks, for you to take pills and be injected with strange substances.

The U-M medical school website lists clinical trials, including paid trials, that are looking for subjects. One example is a sleep study that includes three nights of sleeping at the hospital and pays \$500.

Downside: All the risks of canned chili and more – plus needles.

Sell your gametes.

Posner thought we should let people sell babies. Every student and professor here has an opinion on the topic (and on Posner.) Policy aside, the fact is that buying and selling gametes is legal. Disturbing as it may be, donees of these cells often want to – and are allowed to – screen donors for desirable characteristics, such as a superb brain inside a pretty body (which we know U-M law students all have).

Sperm: tel. (248) 644-5822; 189 Townsend Street, Birmingham, MI 48809. A google search might turn up an individual couple looking for someone exactly like you, but for anyone with a car and a telephone, the International Cryogenics, Inc. office in Birmingham (Detroit area) is a good place to start. The office pays \$45/donation and asks donors to donate twice a week, with a lump sum being paid at the end of the month.

Downside: the doctors may require donors to curtail extracurricular activity to save energy.

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Your Brain on Drugs: How Not to Take Law School Exams

By Michael Murphy

I've finally bought into the idea that grades matter, and how it's important to come to the test with as many 'edges' as you can. But what about the 'knowing the material and how to apply it really well' edge? It doesn't seem like anyone's talking about that. In fact, people I know are talking more about edges in time management, information organization, and drug abuse.

Yeah, drug abuse. Whether it's caffeine or Ritalin or some stuff off the Internet, we've all considered a chemical-infused edge.

Thing is, given their study habits, I'm pretty sure the people in my section are discussing using drugs during finals not as a means by which to do better for exams, but as a reasonable justification for them to do drugs. We're funny like that.

I don't mean to sound like Butters from South Park or Nancy Reagan (which I know I do all the time) but; popping pills is bad. Stuff like that, without getting too scientific, it's like Electronic Blue Book software for your brain.

Like the EBB, pills in your brain make it work in a way contrary to the way it's supposed to work, so don't be surprised if it's not just your laptop but your mind that crashes three hours into the exam. Changing the chemical composition of the very thing (your melon) that you need to rely on closely, at exactly the time you need it, may not be the best idea.

Or as one of my non-law school friends put it: "It will probably be a bummer if you're sitting down to take your exam and you're tripping balls. No, it would be sweet." Thing is, there's no computer

lab Phil to retrieve the data lost by your scrambled brain. You've all seen The Osbournes. I mean, *damn*.

A friend of mine is claiming to have soon some pills found over the Internet that the military uses for special ops. (Note to the appropriate authorities: my 'friend' is, of course, hypothetical. The majority of my friends are 'hypothetical' in one way or another, you know).

But there's a small but noticeable difference between your average Torts exam and your average "Sweep and Clear" Delta Force lightning raid against a terrorist cell. You don't have to run around or kill anybody in your Torts exam (depending on your Torts professor, anyway. And you should check prior exams about that, 'cause those guys can do anything once their tenured). Also, in Delta Force there's a medic right there in case your brain blows a circuit or two. Not so in an exam.

And not to offend anyone in the military because I have the utmost respect (read: am too much of a wussy) for what they do, but the military does have a tendency to put soldiers into dangerous situations (live combat, for example). They may be slightly less concerned about the side effects of such drugs, and that's their idea of triage; a wake-up drug that messes up someone's brain down the road is bad, but falling asleep and crashing a helicopter full of guys is worse. (Same argument: A chemical agent that defoliates the jungle is bad, but the guerrillas in the jungle are worse) That said, they probably care more about their soldiers than your Internet pharmacist cares about you.

Another friend of mine pops caffeinated mints, and that's not so bad, really. That's just a direct way of drinking

a lot of coffee, and I would be a hypocrite if I condemned that course of action. My nasty dog breath and the burnt sienna hue of my teeth will prove that I'm guilty of that (ladies, I know you're swooning). I'm also jumpy all the time and I go to the bathroom seriously 10 times a day. (once again, ladies, how you doin'?) Caffeine may not be great for you, but it's at least legal and generally not attitude adjusting. I'd draw the line between helpful and harmful at what amounts to hard-core drug abuse. I know we're all going to a lot of time and expense to obtain these grades, but are chemical shortcuts to motivation really worth the risks and side effects?

I feel like, based on some conversations with my section-mates, people are spending too much time looking for the edge and not enough time reading the course material or asking questions about it. Put another way: if the shortcut takes more time and money than the usual route, that's no shortcut. Especially if it turns you into Ozzy. (I guarantee he wouldn't interview so well at Skadden, people. Unless the interviewer was totally into Sabbath or something).

I'd like to discourage all law students from taking any sort of performance or energy enhancing drugs during the exam period. Except, of course, for the people in my section whose grade curve I'm on, to whom I invite to fully tear themselves up as much as possible. I have a list of reputable web sites that you should try out. And if you order Ritalin and accidentally get Viagra? Well, that'll keep you up, too. (Thank you, I'll be here all week).

That said, good luck on exams, everyone, and see you next semester. Be safe, have fun with it, and tear it up!

Of Earrings and Other Symbols: An Hour with Professor Sherman Clark

**By John Fedynsky and
Andy Daly**

Professor Sherman Clark lives by symbols. Mere symbolism is anything but mere for him.

His research interests and his in-class discussion betray his penchant for talking about the deeper meaning underlying the law. Woven within his treatment of his other favorite topics - torts, evidence and sports law - is a nagging question: what does it say about us as a community?

He left home at age 16 for college, dropped out and joined the Army. He finished college elsewhere at Towson State University and graduated from Harvard Law School. For a few years, he worked in private practice in Washington, D.C. at the law firm of Kirkland & Ellis. He joined the faculty in 1995.

Recently, Professor Clark sat down with Res Gestae to talk about faculty hiring, flies in the ointment, the military, boyish pursuits, coaching grade school sports, and, of course, symbolic meaning.

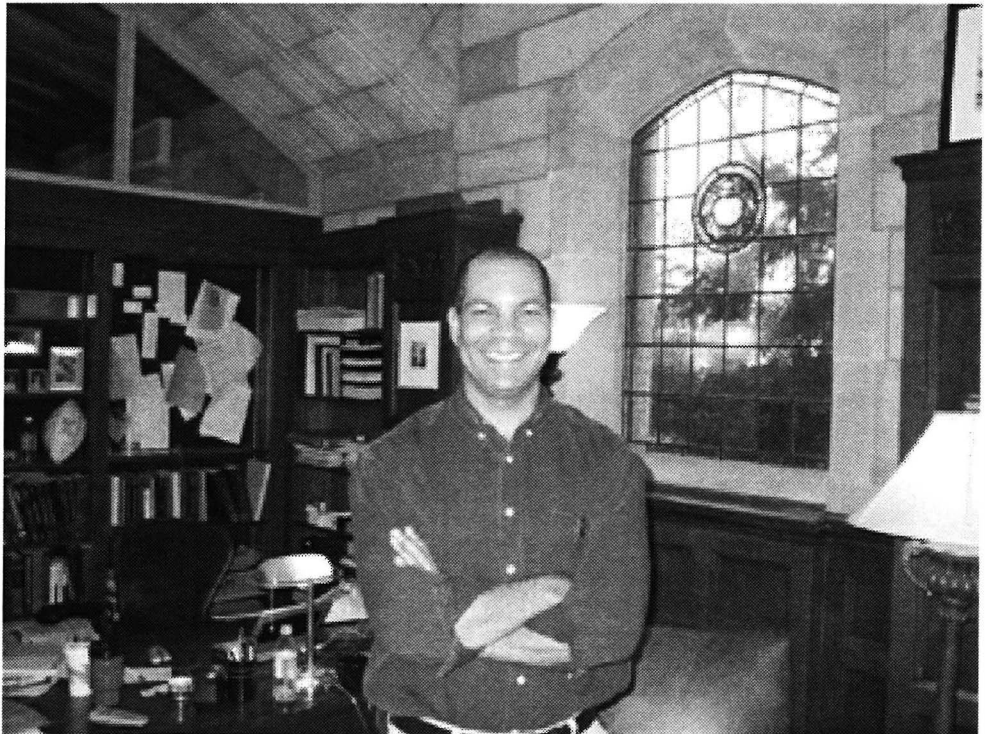
You are chair of the faculty hiring committee?

The entry-level hiring committee. We have two committees this year. Steve Croley is chairing the committee aimed at hiring laterals and I chair the committee aimed at entry levels hires, just beginning their teaching careers.

What are your responsibilities?

That means trying to locate potential young teachers and faculty members. Although That part of it is relatively

of people - not the entire universe, sometimes there are people clerking for the Supreme Court or internationally educated candidates, but almost all of the entry-level candidates come through that process. There are maybe about a thousand of them on the average. As a committee we have to decide which of those people we want to get to know. There is a conference where we will talk to the 20 or 30 we are most interested in. Those 20 or 30 are selected by reading



straightforward because there's an elaborate process. Potential teaching candidates submit their information to an organization called the Association of American Law Schools, which gathers that and makes it available to the law schools in a systematic fashion. So we are able to find out, pretty much the universe

their work, calling their references, or looking at their backgrounds, things of that sort. We also decide based on what our needs are.

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The next process, which we are in the middle of now, is that we have some number of them who we want to get to know a little better. We have them come in for a lunchtime talk and we ask them unfair and difficult questions about their work. That will culminate in about half of dozen of them being brought back before the entire faculty for a "job talk" and the possibility of them getting an offer. That will result in some of them getting offers, which will result in one or two of them accepting and one or two taking a job at Harvard, Chicago or Yale, or wherever else they decide to go.

Anyone who has been around lately is keenly aware that the Law School looks to diversity in recruiting its student body. Is that a driving concern for faculty hiring?

It's a huge priority, and it is one area in which our hiring efforts have not been successful. We have a great faculty, we have a great junior faculty and in many ways one of the most diverse, rich and intellectually broad faculties in the country. But on other metrics, like race for example, we are not a diverse faculty. Having been in a sense, carrying the pail for the diversity issue before the Court, one might say "Physician heal thyself." We are keenly aware of that. We are continuing to try to identify and reach out to top minority candidates in particular, and women candidates. Our faculty overall is more men than women, although among our junior faculty, the hiring over the last decade or so has been more even as far as minority candidates in particular and women. A lot of other schools aren't much better, but some are, which suggests that some things can be done and that it is not purely an applicant pool problem and that we can do some things to reach out.

Would you say that the law school lacks a critical mass of minority and female faculty members?

I don't know whether I'd use that phrase for faculty. I don't know whether I would fall in love with that phrase in

any context. I don't think of it quantitatively, like "how many?" like "we need to have six and we only have three or we need to have eight." I think of it just in terms of meeting all the needs of our students, of enriching all of our students and enriching all of our own intellectual lives. We could use a diversity of voices among our faculty. That doesn't just mean, although it does mean, that we need more minority faculty; I think we need more conservative faculty; I think we need more radical faculty. We tend to be a sensible, left-leaning, moderate group of folks who get along quite well and speak to each other amicably, and that's great and I value that. But we could use a fly in the ointment once in a while to stir up the debate; whether that be a voice from the right or from the far left.

When I think about enriching the faculty, racial diversity leaps to mind because it has been such a focus, and it should be a focus, but that's just the first thing that comes to mind. It is no way inconsistent with what Michigan is. What we are as a faculty is a broad, diverse group with psychologists and social scientists and law and literature types, you are likely to walk into someone's office and are as likely to hear them talking about ancient Greek as modern politics. So a rich set of perspectives on the law is what we are about. So in a sense, it is being true to ourselves to try to follow through on that and to continue to have a wide range of voices.

There are other particular reasons to worry about race of course. Students have expectations and students are made to feel welcome or not welcome by inchoate aspects including the composition of the faculty. Those things are real and they matter, but they are part of a larger set of concerns. What makes this place so great are the many thoughtful people here from different perspectives and we should continue to work for that.

In the sections of students you have taught, have you found that they are enough flies in the ointment?

I hate to speak against interest because one thing that makes the students here

so great to teach is that they're both really smart and congenial. They usually do not have what some people report from other prominent law schools: a nasty undertone to the classroom debate. When somebody asks a question, my experience has been, it's because they want to know the answer or that they have something that they really want to add to the conversation. I don't see that undertone of point scoring, of "Ha-ha, I got you!" I like that. I like the fact that we get along and speak amicably. I would like to think that we could make way for a broader range of voices and still keep that. I wonder sometimes. If somebody is thinking in their mind a position that is a little out of the mainstream, right, left or otherwise not on that spectrum, I want to believe that they feel free to speak up. I like the discourse I see in the classroom here. I wonder if there is a wider range of views lurking and I want to create a place where people feel like they can speak up without being accused of being a crazy communist or a radical reactionary, or whatever. The richer and more diverse your community is the more often people with a range of perspectives feel they can speak up.

Did you have a different experience as a student at Harvard Law School?

Yes. The Harvard classroom of ten years ago was much more dramatically divisive and politicized. The whole law school is more politicized, with an edge, a sharper edge to the conversation. Not that I didn't have some great conversations in and out of classes, I sure did. I had just come out of the military a short time before that and the sharper edge did not bother me. In fact I kind of enjoyed it at times. But I know that a lot of people did not enjoy it, and I think that it stifled more discourse than it encouraged.

Tell us about your military background.

It was very modest. I was enlisted in the Army after two years of college and I

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Transnational Law, Base-Jumping and Lederhosen - You Guessed It, Professor Mathias Reimann

By John Fedynsky and Michael Murphy

As far as elective courses go, students are more likely to encounter Professor Mathias Reimann next semester than any other member of the faculty. He will be shouldering a heavy teaching load of popular electives - two sections of Jurisdiction and one of Transnational Law.

By way of introduction, Reimann is the Hessel E. Yntema Professor Law, specializing, broadly speaking, in international law. Specifically, he helped to hatch and is working to implement the Transnational Law requirement.

Trained in his native Germany as a legal historian, Reimann first came to the Law School to pursue an LL.M. degree, which he obtained in 1983. Since then, he found his way onto the faculty, where he busies himself with research, teaching, base-jumping, and the occasional night on the town in his lederhosen.

You seem to have a rather heavy teaching load next semester - two sections of Jurisdiction and one section of Transnational Law. How did that happen?

Basically, because I shifted all my teaching to the winter term, I'm not teaching this term at all.

Do you like to divide your time between teaching and research that way?

It's been my experience that if you teach a regular load, between teaching and committee work and other stuff, you don't have a lot of uninterrupted research time. At least I don't get much work done. So I'm trying to have a full semester of

uninterrupted work time and then sort of pay for it next semester. So far, in the uninterrupted work semester, things have worked wonderfully and I've gotten a lot of work done. So we'll see how it goes in the winter.

Once you're teaching six hours, I think you might as well teach ten. It makes just a marginal difference. The grading will be horrible.

How do you feel about teaching two sections of the same subject?

It has its up sides and down sides. I've done it before when I used to teach Torts. You have to prepare only once - that helps. But it's more difficult than people think because you've got to keep both sections exactly on track. You can't get ahead of yourself in one and fall behind in the other. Otherwise you lose control. But since I have a carefully planned schedule, I think I can do that.

Do you miss teaching the first-year students at all?

The teaching of first-year students is a lot of fun because it's very gratifying, because they're very eager to learn and they learn fast and they work hard. But I have so many other things to teach in the international arena that isn't really suited for first-year teaching, so I don't miss it that much. First-year students are also obviously very slow in the beginning, and I am an impatient person. So I guess I prefer the faster pace of an upper-class course.

Do you like large-sized courses?

No. I wish they were all smaller. If I had my druthers, I would probably limit classes to about thirty people. It's a lot easier to teach fewer people and they

learn a lot more. People usually underestimate how much more energy it takes to teach a large class. It seems like it shouldn't make a difference whether you have 50 or 100 students in the classroom. It takes a lot more energy to keep the attention of 100 students than to keep the attention of 50. Also, with large classes, if you teach them all the time, you really have almost no chance to learn the individuals and their names, and that's not ideal.

Have you taught any seminars in the past?

Not in over ten years. I used to teach seminars but then all this international stuff came my way. I enjoyed it a great deal, and I've done it abroad fairly regularly. But I simply don't have time to do it. I wish I had.

Is it fair to say that you were the architect of the Transnational Law course?

I wasn't the sole architect. I was the one who came up with the idea and pushed it hard. With help from former Dean Jeff Lehman, we persuaded the faculty that this was a good idea. So I have to take a large part of the responsibility one way or another. The architecture was more a joint product of the first round of people who taught it. Jim Hathaway and I put the first set of materials together. So I think we would be the original joint architects. By now several other people have worked on this and we keep working on it. We're now beginning to put a casebook together and are redesigning the architecture. But I've been involved in it from beginning to now.

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Are you happy with how it's been implemented?

Yes and no. By and large I think it's turned out to be a very good idea. Now that we're seeing the first generation of students who have been through it, it makes a big difference in the discourse of upper classes. People are just more aware of international dimensions, and everybody agrees on that.

I think it suffers from two problems that we're now addressing. One is that two credit hours are not enough. I think we need three, without teaching more material. That would help a lot, because the students need more absorption time. And the other is that, and this has been my concern from the very beginning, we have not yet successfully developed a core idea. I think we owe the students a one-sentence message of what this is ultimately all about. And we don't have that quite yet. But once we have that, it will be a lot better. I think we're getting there. When you start a new course, you're experimenting. It takes a few years before you really understand what to do and not to do. So, I've been happy with having it implemented and having it a mandatory course. I'm semi-happy with the way it's been running.

Do you feel it's something that students should take in their first year?

That's something we're debating right now. I used to teach comparative law and it raises the same issue. The argument for taking it in the first year is people's minds are open and they learn this from the get-go as part of the basic toolkit. And that's

ultimately what we want. We want them to see international stuff as part of the basic toolkit, just like anything else in the first year. In terms of really understanding the material, it's probably better to take it in the second year, because it draws on so many things in the domestic sphere that students simply don't know enough about in the first year and that it's difficult to understand. Much of what you learn in the courses, you learn it by contrast. You learn what international tribunals are all about by contrasting them with domestic tribunals. But if you haven't read enough about how domestic tribunals work, the contrast doesn't work. So my guess is that it's ideal as a course in the first or second semester of the second year. And maybe



what we'll do is we'll recommend that students do that but leave them the option. A lot of students want to take a lot of upper class international law courses. For them it might be a good idea to take it early so that they have the choices in the second and third year to go for advanced courses.

Have other law schools taken notice of what U of M is doing and have any of them instituted anything similar to what we have?

Notice has been taken widely. I constantly give talks at other law schools, and at the Association of American Law Schools, and conferences and so forth. This has become very popular. This is probably the best advertisement we've gotten in many years. Lots of other law schools are thinking about something like that. I don't think any law school has yet taken the step. It takes a long time to persuade the faculty. But I know of probably about ten law schools where such an idea or a similar idea is under active consideration. Part of why we're doing a casebook is to alleviate the concerns that once you institute such a course you have nothing to teach it from. But when you have a casebook on the market, that looks good. People might be more inclined to pick it up and do it.

Who are going to be the authors of that casebook?

Other than myself, two people who have taught the course here - Tim Dickinson, who is an adjunct who has taught it with me and who is a longtime friend. He's a practitioner, so we have somebody on board who does the stuff we're teaching. And the third person is

Karima Bennouna, who is a graduate of this law school and has also taught the course here as a visitor and who is now on the Rutgers Newark faculty. She is a specialist in international law of human rights.

Students who have taken your courses have probably noticed, both in the course pack and even on the cover of final exams, that you like to use cartoons as a sort of light-hearted joke in the middle of a lot of hard substantive

Just In Time For Autumn: The Shins, *Chutes Too Narrow*

By Steve Boender

The Shins
Chutes Too Narrow
Sub Pop Records



4 / 5 gavels

Another review, another highly anticipated follow-up to a hyped debut record. Last time, we learned about the Strokes' triumphant return with *Room on Fire*, and here we are now with The Shins' *Chutes Too Narrow*. Beyond the aforementioned connection, the similarities are eerie: Both records exhibit considerable development of the bands' respective song craft, both bands' names begin with "The", both bands' names follow up "The" with a word beginning with "S", and both records will get you big-time hipster cred when you name-drop them at Espresso Royale or Urban Outfitters. That, however, is where the similarities end.

The Shins' debut was lauded as the second coming of the Beach Boys. While falling short of that lofty goal, the record was pure pop candy. Instantly digestible, both musically and lyrically, few critics or music nerds could help but fall for the band and their quirky video, featuring a superhero Saint Bernard, that was in heavy rotation on MTV2 for several weeks in the summer of 2002. With this record, the Shins have kept the quirkiness and the pop sensibilities intact, but a bit subdued. Singer James Mercer displays greater nuance in his vocal delivery, and his

vocals are higher in the mix, pointing the spotlight directly on his lyrics, which relish the attention, fitting perfectly into the complex melodies.

Lyrically, the record is the perfect accompaniment for Ann Arbor's transformation to summer hippie-haven to desolate frozen wasteland. While we've yet to see winter in all its terrible glory, there's a sense of despair in the air, as if every living thing knows what's coming. This sense of despair fits perfectly with many of the tracks on

learned fast how to keep my head up 'cause I know I've got this side of me that wants to grab the yoke from the pilot and fly the whole mess into the sea."

It may appear that the record is on the depressing side, but that couldn't be farther from the truth. For every sullen resignation, there's a faint glimmer of hope. If Mercer is going to lose, he's going down fighting. In the up-tempo countrified jam, "Fighting in a Sack", Mercer defiantly wails, "so let's abandon that track and leave our fathers fighting in a sack cause we are way too wise-assed for that." The melodies also contribute to the record's positive side. Even the most despairing tracks are ironically juxtaposed against sugary sweet melodies, illustrating the joy that can accompany sadness, and vice versa.

Certainly more complex than its predecessor, *Chutes Too Narrow* exhibits a band hell-bent on continuing to evolve. While that complexity may throw off some fans of the previous record, those who stick around long enough to pay attention

will be rewarded with a record that will hold up for years. Like contemporaries Belle & Sebastian and The Magnetic Fields, The Shins have solidified themselves as purveyors of perfect music for a Sunday morning in November.




Chutes Too Narrow. In the organ-driven "So Says I", Mercer faces the failure of his own ideals, singing "Because it was nothing like we'd ever dreamt, our lust for life had gone away with the rent we hated, and because it made no money nobody saved no one's life." In the acoustic "Young Pilgrims", Mercer again deals with letdown, quietly crooning, "I



What's in an Oil Change? 3L Offers Money Saving Advice for Car Owners

By Seth Drucker

etting the oil changed in your car can be a real hassle. Aside from having to take time from your busy day to get it done, you also have to deal with Cooter at the Quicke Lube. Sure, Cooter pretends to be your friend by offering you all kinds of wonderful services in addition to the oil change, but are these services really necessary, or are they just a waste of your valuable beer money?

Well, I am here to say, that in most cases, you are just wasting your beer money if you take Cooter's advice. Listed below are the services he is likely to offer you along with advice on how to properly maintain your vehicle, without putting Cooter's children through college or using up your precious beer money.

Don't Be a Man, Read Instructions!

The first and simplest piece of advice is to consult your owner's manual. Really, it's not just there to take up space in your glove box. And remember, your owner's manual trumps the advice in this column. I don't want to get sued.

Engine Oil and Filter: Repeat After Me "I DO NOT NEED TO CHANGE MY OIL EVERY 3,000 MILES, UNLESS MY OWNER'S MANUAL SAYS SO, AND YOU CAN'T MAKE ME!"

Like all regular maintenance items, the best place to find your vehicle's service requirements is the owner's manual. Many modern automobiles can go as long as 12,000 miles or 12 months between oil changes. Additionally, many vehicles - General Motor's in particular - have oil life monitors that tell you when to change the oil. Most manufacturers suggest oil changes between 5,000 and 10,000 miles

or every 12 months, depending on your driving habits.

If you live in L.A. or Miami, you will have to change your oil more often than if you live in Minneapolis. Again, your owner's manual contains information that will help you decide how often to change your oil.

Unfortunately, Cooter will tell to change your oil every 3,000 miles, and if you don't you will "go straight to hell, where [you] will eat naught but burning hot coals and drink naught but burning hot cola...where your soul will be chopped into confetti and strewn upon a parade of serial murderers and [music down-loaders]."¹

It would be nice to think Cooter was really concerned with your eternal salvation, but he really just wants to make a buck. The profit margin on an oil change is, how shall I say, HUGE! Shops charge \$30 to \$60 for an oil change. The materials cost them about \$7 (oil, filter, rags, disposal), plus 15 minutes of minimum wage labor. More importantly, it is a great way to get people into the shop to pedal more high margin products and services they don't need.

Buying a fuel-efficient car is a great way to conserve fossil fuels. Another great way is to change your oil in accordance with the recommendations of your owner's manual, not Cooter. If you change your oil more than the owners manual or oil life system recommends you are wasting your money and precious fossil fuels.

Automatic Transmission: Check Please, Nothing More.

The automatic transmission is perhaps the most complicated electro-mechanical

device in the modern automobile. As such, you should treat yours with great care; meaning if it ain't broke, don't fix it. Most modern transmissions are maintenance free for at least 100,000 miles. The only maintenance required is a regular fluid check at the time you have the oil changed. Again, check the owner's manual to understand your vehicle's particular needs.

There is no need to change the transmission fluid filter or the fluid. In fact, neither can be properly done at a lube shop. Further, changing either will likely lead to more trouble than it prevents. Transmissions are extremely sensitive to particulate contaminants (dirt). Any time you open up the transmission, as is required to change the filter, you increase the chance of ingesting foreign particles into the transmissions and causing great harm.

Now, if you pull a trailer, or do a lot of mountain driving, you might need to change the transmission fluid before 100,000 miles, other than that, leave it alone.

Fuel Filter: OK, I'll Give You This One, Cooter.

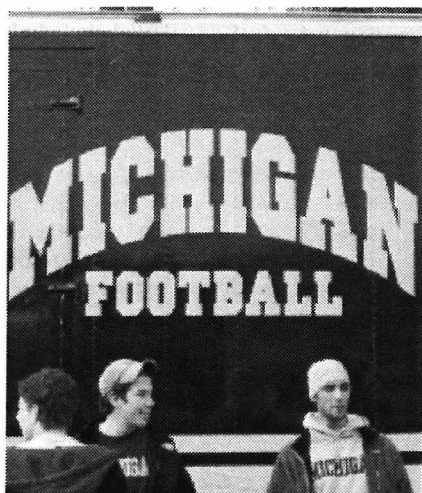
Typically, a fuel filter will last about 30,000 miles. Changing your fuel filter is more important than in the past because modern fuel systems are very sensitive to impurities. It is especially important if you buy cheap fuel, as it is likely to have more contaminants than if you buy name brand fuel.

And, if your vehicle does develop a problem - such as rough idle or weak acceleration - the first question the dealer will ask is if you have ever changed your

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Fandemonium! Wolverine Fans



Perhaps the best thing about being a law student at the University of Michigan is that, apart from being the privileged recipients of a top tier education, we students also have the privilege of being part of Big Ten football mania. And on that front, one could say that this year's crop of first years are spoiled: in their very first University of Michigan football season, these students got to witness an undefeated home record, ending in a crushing defeat of Ohio State on November 22.

Next stop – the Rose Bowl, unless the right dominoes fall and the BCS sends Michigan to the Sugar Bowl for a shot at the National Championship. Either way, there will be no outlining in Pasadena on New Year's Day!



Boost Team to Victory Over OSU





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spent most of the first year in various training: infantry, airborne, parachute school. Then I was stationed in honor guard duty in Washington, D.C. Although I was nominally an infantry soldier and part of the infantry, I was spending no more than two and a half months of the year in the woods "infantrying" as it were. The other ten months of the year I was wearing medals and working in parades. I was briefly at the Tomb of the Unknown Soldier. It was wonderful duty being stationed in Washington, D.C. I enjoyed the camaraderie of the military, the sense of identity that it provides you, the friendships, the clarity of purpose and discipline that one has there. I also enjoyed the other things, repelling out of helicopters, running around for a couple weeks in the woods of Virginia. When nobody is actually shooting at you, it's not that bad. My experience was very safe and very modest. I never got above the rank of sergeant.

In your legal scholarship and your course lectures, you place special emphasis on symbolic meaning and legal symbolism. Do you think your experience in the honor guard may have helped motivate that?

I think so, although I didn't realize it at the time. I have a sense that people's experiences inform their thinking in ways they're not aware of. My whole choice to become a professor, for example, I realize was influenced, in that respect, by a

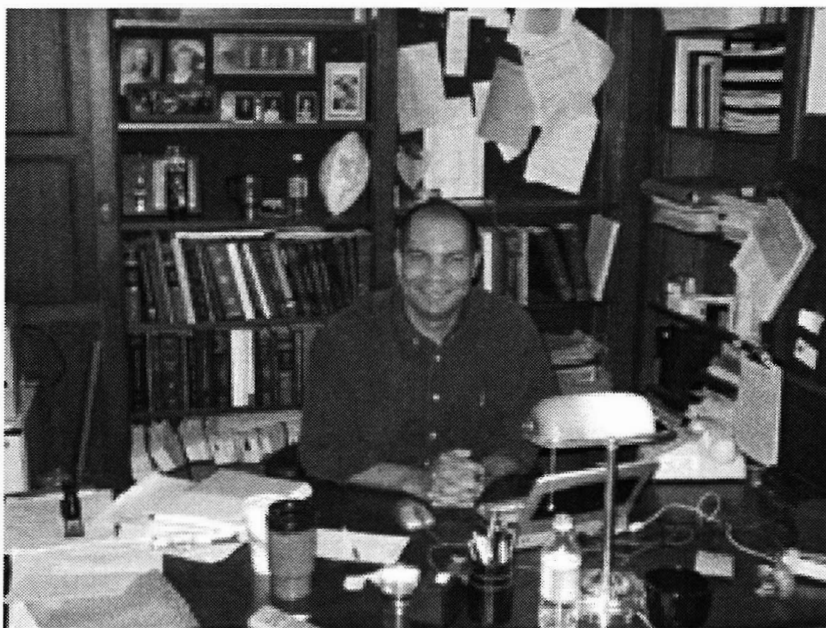
couple of encounters I had as a teenager. One was a Jesuit brother who I had as a teacher at Loyola High School in Baltimore. He was just a cool guy. Good athlete, smart, well educated, and he had an office off of the library. I realize that sort of formed my image of what it meant to be a cool and educated person as a teenager. The world isn't full of people like that. That he happened to be a Jesuit brother, I'm not sure that played into it.

When I was going to college at a small Catholic school called the University of Dallas, the first two years of my college

only there for 6-8 months total. There were guys there who there for years. It was a demanding, spit and polish operation, that was quite stressful. I was not cut out for that long-term. I think I did a good job while I was there, but wow.

Later I had an argument with someone I was working with and we were talking about spit and polish. I may at one point may have thought it was silly, but I came to understand that it matters in an odd way. Whether it preserves our sense of community and provides a rallying point. In a modest way it might be analogous

to someone being kosher. "What difference does it make if you eat pork or not?" Well, it makes all the difference in the world because it says something about who you are and what you stand for and how you value your traditions and what they mean to you. He said, "well I think staying kosher is silly." So we just saw things differently.



education before I dropped out and joined the service, this was like 1980, 1981 I realize I conceived the idea even then that the academic life would be a good life. Not in any articulated way, but to answer your question, yes, I'm sure that my experiences live with me and influence the way I think about things. I am sure that our experiences work with us and guide us.

Specifically, to answer your question, yes, I came to realize the importance of what is sometimes called "mere symbolism" particularly when I was at the Tomb of the Unknown Soldier. I was

I think I have known all along, whether it was the military that made me realize it or not, that, when it comes to the merely symbolic aspects of life, there is nothing mere about them. It helps us connect with who we are and helps us connect with our neighbors. That's what makes people flourish. Marginal increases in material well being - the evidence is in - they don't do it. I'm not against marginal increases in material well being, especially my own, but we recognize that they are not the things that communicate a community's meaning. And those things are

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constructed by symbols just as much as through so-called real bottom-line effects. The military helped me see that, but I believe it's probably something I've been thinking about all along.

Your biography on the Law School's web site indicates that you helped in some litigation in Wayne County where it says you articulated a theory of willful blindness of gun manufacturers and their distribution practices.

I did. That litigation is over and has lost, not because the theory was unsuccessful, but because the Michigan Legislature passed a statute, which in effect said, "throw out Wayne County's lawsuit." And they have the power to do that. On the merits, the case was narrowly focused on particularly egregious distribution practices by gun manufacturers.

I happen to be not a rabid anti-gun advocate. I like a good gun. I don't own guns now, but I was in the military. I was often at odds with the anti-gun advocates on whose side I was in that litigation. I don't think they realize what a role firearms play in the American culture and identity. This is hunting with your kids, this is independence. To say to somebody, "well, why do you need such and such a gun?" is, to many people, like telling a New York journalist, "well, why do you need that much freedom of speech?"

It's important to who we are. Having an appreciation for that, it was important that we craft the case in a way which was focused on particularly egregious distribution practices, calculated to take advantage of the illegal secondary market - juveniles, criminals, people who weren't willing to bargain. That was what we alleged. That's why I think our case survived as long as it did, because we focused it narrowly on some practices that really were unconscionable and did not try to attribute violence in general to the gun industry. Other jurisdictions have since adopted that theory in their own cases.

The other thing, just as a teacher, it was useful, important, worthwhile for me to me to get into court, for me to participate. I connected to the things that I'm teaching my students. The skills that I'm telling my students will matter to them, are the ones that work. For me, it was just a part of my continuing education as a legal academic. For me, it was wonderful.

When I've talked about this to students, they've said, "get over it - a sports metaphor does not make for an unfair or hostile work environment." But I think it's important even if in this particular case I say, "this sports example, this sports metaphor, that's no big deal." The larger point is that when you're teaching, you have to think about things like that. You have to think about how what you're doing, what you're saying, examples you

"When I was a student, my attitude to fellow students who were worried about stuff like that was, "quit whining." As a teacher, my attitude is very different, because I am being paid by all of you to pay attention to you."

Students who have taken your exams have read your facts patterns and seen that they're full of firearms and sports and sports stories and might described them as infused with testosterone, perhaps. Does that reflect your character?

I hope not too much. I have realized that my hypotheticals in class and my exams tend to be drawn from my own interests and experience, which tend to be sports, sports cars, or other boyish pursuits. I've actually thought about that and whether I can use - and this may seem like a small thing - but whether there are other kinds of examples I can use and not be inadvertently creating an imbalanced or biased environment where male students feel comfortable and at home and female students don't. That would be the last thing I would want to do,

use and the way you're teaching are going to strike different people different ways.

When I was a student, my attitude to fellow students who were worried about stuff like that was, "quit whining." As a teacher, my attitude is very different, because I am being paid by all of you to pay attention to you. Even though in that particular case there's nothing inappropriate about teaching with sports analogy, the point that's more legitimate is that as a teacher you have to balance being natural and being relaxed. I hope that when I teach I'm not stilted or artificial. You want there to be legitimate communication. You don't want it to be a PC straight jacket on your conversation with your students - that's not learning. But at the same time, you want to think twice about whether the things you take

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for granted, the jokes you make, the examples you use, might be making students less comfortable.

What kind of car do you drive?

I have a Jeep right now.

Got rid of the Corvette?

I didn't have a Corvette, I had a Mustang GT convertible until a couple of weeks ago when it started getting cold. Then I traded it in for a Jeep Wrangler. I hear that there is a new Mustang coming out in a year or two, so if I like that I may be back in a convertible. Unfortunately, I have the automotive taste of a 17 year-old. We also have a Dodge Durango, used for carting children to soccer practice, basketball practice, and the like.

Are you worried that your tastes in cars may change as your children grow older and want to borrow them?

That's a good point. I may have to think about that. I may end up with a mini-van, just to deter my daughters from wanting to borrow the car.

You coach your daughters' sports teams, don't you?

I do. I coach and help out on various teams.

Do you find that rewarding?

It's great. I like to coach them when they're very young, when it's more about encouragement and getting everybody to participate and have fun. I'm no great athlete. I'm no professional coach. So I enjoy coaching fourth, fifth-grade basketball, softball - sports where I know enough to teach them the basics and encourage them and make sure everybody plays and has fun.

One thing I'm very proud of is last year my daughter was in fifth grade, and every kid in the fifth grade - every girl, not every boy in fact - but every girl played sports.

Not all these girls were great athletes, but they all played. I think it was great. We had two fifth-grade basketball teams in one elementary school because so many girls wanted to play. Some of them could hardly heave the ball up to the hoop, but they all had a great time. So it's tremendously rewarding. As the kids get a little older, even now that my daughter is in the sixth grade, I prefer as their skills develop and they get more serious to let the coaches coach and I just be the cheerleader carpool driver. I don't want to be that parent making my kid shoot extra free throws at night in the back yard or anything like that.

Is making time for it a challenge?

Well, one great thing about the academic life is that you have flexibility in your schedule. One of the reasons that I initially chose this life over that of a big law firm is to have time for my family. Here, although I may work as many hours - sometimes I work as many hours as I did in the firm, sometimes I don't and even when I do they are the hours that I choose. This semester notwithstanding, which is a little bit of a hectic semester, it's much easier at this job than at others to find time to do stuff like that with your kids.

We didn't see your name on the class schedule for next semester.

I'm on leave, funded by a distinguished alum, which is made available to faculty members to work on articles and projects. I'm going to be working on a paper - I'm knocking on wood - I'm wrestling with the idea of tattle-tales - whistleblowers, narcs, rats. In some contexts, we admire the person who has the courage to come forward and we despise the coward who keeps quiet in the face of wrongdoing that they know about. In other circumstances, we despise the rat, the person who squeals. What are the variables that change our opinion about that conduct?

I thought about this when talking to my oldest daughter. She had a project - "talk to your parents about drugs." There were these questions you were supposed to

ask. I said, "that's a good idea, let's talk." She's thirteen. Some of the questions we both agreed what would be the right thing to do. But there was a question, "one of your friends is using marijuana, should you tell her parents?" I evaded the question because she's so young. I said, "you're thirteen years old, yes, you should tell at this age." Well, she answered quickly back, as any good lawyer, "well, what if I were 17?" I had to pause. I'm not sure whether I want my daughter if she goes to party on a Friday night (she's 17, she's 18, she's 19) and someone's smoking marijuana - I want her to leave, I don't want her to get stoned, that's for sure. But do I want her to ring up everyone's parents? Is that the kind of kid I want her to be? If not, why not? These are hard questions, and I realize that they pervade the law as well.

There used to be a crime that made it a felony not to report a crime that you know about. That law, though still technically on the books, has never been enforced. It has been interpreted, at least in dicta, to require some active concealment, almost like conspiracy or conspiracy after the fact. The mere crime of not reporting a crime is never prosecuted. What I hope to be doing this spring is to try and think that through. Why do we evaluate this similar conduct so differently in so many different contexts? How does the law deal with it adequately?

I don't know where it's going to lead, but that's how research ought to be. You ought not to have it all figured out before you go in or else it's false in some sense.

Is it going to give you any time to work on the forthcoming sports law text?

Oh goodness gracious. I don't know what to say about that formally. My co-author and I are in discussions about the future of the sports law book. The co-author is Gary Roberts at Tulane. Gary Roberts is essential to the project. Gary has been very very busy, being associate dean at Tulane. It is not a project that I

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am capable of taking on on my own. So why don't we just say that Clark and his co-author are talking about the future of the hornbook. I hope that we do it. I think it'll be a wonderful project. But it's not something that a relatively junior faculty member can take on properly by himself. It requires a cooperative effort. Nobody needs a bad hornbook. So unless it is going to be a truly thoughtful exercise, I prefer to wait a year or two and do it when we're both ready to give our attention to it. So right now we're proceeding slowly as we talk about it.

Tell us about your earring. When did you get it?

The first time I got this earring was when I was a teenager - 16 or 17 years old. I went away to college at 16. I took it out when I went in the military a few years later. When I gottenuretwo or three years ago, I said, "well, what is the modest and lame act of rebellion I could muster?" This is all I've got. I didn't have the nerve for a tattoo.

There's a sense in which - this is not connected so much to the earring - we find the right place. We find the right work to do and the right place to do it. The feeling is akin to having come home. I left home at 16, went off to college, was dropping out, then I was in the service, then law school and a law firm. So there's a sense in which you spend 20 years or so trying to make your way in the world. That's what you do.

I did not come from financial resources, though a wonderful, supportive family in all the ways that really matter. There's this sense that you're trying to make your way in the world. When you're 16 or 17 and you first go away, you have an inchoate but powerful vision of the kind of man you want to be today. It's there and then 20 years later you say, "yeah, here I am; this is the right place for me to be." So, I don't know, maybe putting the earring back in connected the 30-something to the 16 year-old again and said, "hey, dude, I haven't forgotten you;

you're still here, we made it, we landed in the right place eventually."

I don't take for granted that I've been able to find work that I'm really good at and that I enjoy and that I find rewarding and that I'm able to take care of my family. For lots of people, that doesn't happen. I am sort of one of those people who gets up every morning and wants to high-five everybody in the house because I'm just really glad that I've got a house and it's nice and a job. I still come out into the Law Quad and think that I cannot believe that this is my place. This is the kind of place that in a different life, in a different world, I would drive by and look here and wonder what kind of people get to live and work in a place like that. I'm still very excited and appreciative and happy about my good fortune to have this life.

Can you ever envision leaving this new home you've found?

No, except for one possible job. The one other job I would consider having besides this one, and I'm not sure I'd be good at it, and I not sure that I would ever get it, is being the president of a small Catholic college. I think that small colleges generally, because I happen to be Catholic I think in terms of small Catholic colleges, that small colleges that stand for something, they have a vision.

The University of Dallas, where I went for two years, is such a place. They don't claim everyone should be educated on their model. They do claim that if you went to the University of Dallas, you will have read Iliad and the Odyssey, you will have been familiar with certain core, when you take literature 2,3,4. Mt. St. Mary's where my wife went is different from the University of Dallas but also has a clear vision of what they stand for. So when a parent takes a kid to Dallas or St. Mary's or any small school, the President can say something about what they stand for. And I think that those places are special places, they're havens from the world of commerce and the bottom line.

None of these people are going to be professors. They're people who are going

to go on and work. The question is will they have as part of their life, a rich enough enlightenment. You can make a difference at that kind of school if you get the people when they're freshmen and sophomores and juniors, when they're still trying on new identities like hats everyday and figuring out what kind of people they are, and what kind they want to be. Expose them to the right environments, the right teachers, the right books and the right framework. Isolate them enough so that they have to talk to each other about those books.

One characteristic of a small college that everyone complains about is that there's nothing to do, then they look back on it and it's the greatest time of their life. That's the only job I would consider leaving Michigan for. I don't know if I'd ever get that job, I don't know if I'd be good at it, because of the administrative requirements, the fundraising, the hard work required. It's difficult work, and requires special sets of skills that I'm not sure I have, as far as the administrative skills. Other than that, I can never see myself leaving. I hope and expect that, in 25 years if you send your children to this law school, they can take my Torts class, and find me in the same office.

Do you welcome the arrival of Ave Maria here in Ann Arbor?

I do, and I have not reached out the way I should. I've made it a point on a number of occasions, I've given a talk, met a number of the students at Ave Maria. I was at first quite skeptical of the entire project. There are very many law schools in the country, not all of them are attracting great students or producing great lawyers.

I also thought as a Catholic that maybe the right thing to do with the millions of dollars would be to fund a series of scholarships for promising Catholic students to go to other law schools. If the idea is to produce lawyer soldiers for the church, A lawyer is best trained by confrontation with opposing ideas, not by



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isolation from opposing ideas. Just like a Michigan law professor has to sometimes put on, whether he or she feels it or not, a pro life argument, just to break the pro choice hegemony in the classroom, I think that at Ave Maria they're going to have a practical challenge making students think about their values in that setting. But they're attracting good students, they have good faculty and they seem to be doing something special over there.

I think we can increase the connection between the two schools and I hope I can make the time and energy to reach out and visit a semester at some point to teach a class and you know, whatever. I welcome Ave Maria. I'm over my skepticism and I'm curious. I've thought for a number of years about what it means to be a Catholic school. I know what it means to be a public school, I think, and there's an important aspect there of public responsibility. And I thought I understood what it means to be a Catholic school, but what's a Catholic law school like, what is that? I think it's something they have not yet worked out, and are continuing to work out.

And I think for all of us, whether Catholic or whatever, if we have a serious moral commitment, and we work in a field where it values, instrumentally, the ability to see both sides of every issue, we face a constant dilemma, a question: how do we reconcile the making of a strong commitment with the open mindedness that is essential to good lawyering. It's certainly something to think about, right? An institution like Ave Maria is confronting that directly, and I think that's interesting to watch.

I think it'd be remiss to not pick up on our earlier discussion of the Solomon Amendment, if you'd like to comment on that?

I am torn. The issue of course is how to treat the military and its recruiting in light of the fact that the military discriminates against gays. I am - and this shouldn't be surprising but maybe it is - strongly pro-

gay rights, and I've heard many good arguments from judges and Catholic priest about how moral beliefs don't justify discrimination and even if you believe that a homosexual marriage is immoral, I'm not the judge of that.

Even if you believe that - the conservative, Christian belief that accepting Jesus is fundamental it doesn't there for advocate discrimination against

"Every American institution implicitly needs the military - and I don't mean to be Jack Nicholson, 'you need me on that wall' - but in way we do."

discriminating against Muslims in public places, he can use his pulpit or his example or his faith to persuade that his lifestyle is morally superior. So I think even if you want to entertain the possibility for people to argue the moral superiority of lifestyle choices, it does not justify discrimination to me. I don't think it's wrong. I don't share the sense that there's a moral wrong in being gay or gay marriage. Secondly, even if you think that, discrimination is totally unjustified.

My dad was the among one of the first black naval reserve officers in the Second World War. The prevailing opinion was that black and white soldier will never

work together and cooperate, well that was just wrong, soldiers were better people than we gave them credit for. The white soldiers in the 50s were not enlightened from graduate NAACP mentors, but they rolled up their sleeves and they went to work.

The third reason why I'm angry at the military is they're just wrong to cast so little faith on the ability of soldiers to get over it and get on with business. Everybody who's been in the military knows that there are gay guys in the military. And we're not PC about it, we call tall guys stretch, and the gay guy might be sweet pea. It's not like you'll find it an admirable nurturing environment for everybody, but they quickly get over it and get to work, so I think it's wrong. I think it's wrong morally, it's wrong as a matter of policy, and wrong as a matter of practical application. They should stop worrying about who people are sleeping with and concentrate on the military's effectiveness. So I'm anti-the military's position.

But I have some great affection for the military. I have such patriotic, want-to-be-on-the-side of the military, that I have a gut reaction to support that. So where does that play out on this situation of campus recruiting? I just don't know. I wish I could say "no they shouldn't." But there's more at work here.

Every American institution implicitly needs the military - and I don't mean to be Jack Nicholson, "you need me on that wall" - but in way we do, And although we might not like that, we sort of depend on that, and to be an American institution who turns his back on the military is like a teenager who says to his parents "I'm grown, I can do what I want, now can I have \$20 and borrow the car?" There's something odd about that. So I don't like the idea of turning our back on the military. But, on the other hand, the military has turned their back on us! By sticking with this crazed policy.

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I'm conflicted. I think the military's dead wrong, but I've retained some deep respect for and understanding of the importance of the military and I think that turning them away at the campus door, I don't like that. But damn it, why have this policy that almost force us to do that? So as to whether a particular amendment should do that, it's a difficult question. Maybe it's not as hard for people who don't have the sort of instinctive affection for the military that I do.

My dad was in the military in a time. He was one in the first battalion of black marines when the marines were still segregated. I mean they went through the South and they had to eat in the back of the restaurants when prisoners or war were being fed in the restaurants. And he still cared about it, and said he would stick by this institution and make it better. I'm so disappointed in Colin Powell, who had a chance to change this issue, to call upon people in the military to take the high road and concentrate on their fundamental mission, it might have been possible to just not worry about who people are sleeping with. I mean I'm not asking anybody to endorse anybody's sexual activity, just leave that alone and deal with their performance. So, long answer, uncertain answer, but I'm just being honest.

Any further remarks? Do you have a motto that you live by?

No, I don't have a motto that I live by. I'm just trying to stumble by and not say anything too stupid on a particular day. I'm not out here to give any Buddha-like wisdom.

BIG HOUSE, from Page 2

unloading this ticket on some buddies and now you get a shot. Starting price \$100."

At the same time, students selling tickets are only shades removed from the windsuit-clad forty year-olds scalping tickets outside the Union. As anyone walking along State Street during football season can attest, these men congregate, beginning on Thursday preceding any home game. Wearing baseball caps and pacing back and forth in front of the Union steps, in their oh-so-discreet manner, simply hold up their fingers to indicate how many tickets are available. Is this any different from the student who promises to meet his buyer on the DIAG, cash only?

The powers-that-be attempted to control the damage by sending e-mails to those students who posted ads with inflated ticket prices, informing them that the University "received a few complaints about football ticket scalping" and that "it's against University policy and Michigan law to resell tickets for more than face value." The penalty: they removed the ad.

Well, it just so happens that I had a spare ticket to the most hyped game of the season. Just so happens that I tried to sell this ticket. Just so happens that I made slightly more than face value. My question: am I damned to a life of hellfire and brimstone (or at least a short stint in a Michigan prison?) If so, then at least I will have a number of law students along for the ride.

HOLIDAY CASH, from Page 6

Eggs: tinytreasures.com, toll free 1-866-357-6868, donors email tinytreasuresinfo2@yahoo.com

The most lucrative offers usually come from couples willing to pay top dollar (\$15,000 - \$100,000 or more) for eggs from the perfect young woman. Try searching local classifieds, including the Michigan Daily, for ads. On the website tinytreasures.com, women can post a profile (appearance and grades) on databases like "Ivy League Donor Databases" and list requested compensation.

Downside: long term effects on fertility aren't clear. Donors also spend several months being pumped full of hormones, which usually leads to weight gain, skin troubles, and general discomfort.

Sell blood: For those not comfortable with the idea of their genetic offspring growing up in a loving but unknown environment, plasma selling is comfortable in-between. Donors can donate twice a week. Register to become a donor at www.bloodandplasma.com/register.htm and someone will contact you about your eligibility.

Beg

Neighborhood Can Drive: think of all the times you let a pile of cans build up in the kitchen, waiting for students to come by on a can drive. There is no need to lie – just ring doorbells and tell people you are collecting cans to raise money for the legal education fund (i.e. your own).

Downside: feeling silly walking down the road with a bag full of cans.

Steal

If all else fails, steal some legal texts and sell them for cash – it seems to be working for someone here. For whoever you are, you can have the Jurisdiction textbook, but I would really like my Immigration book back.



**The RG Wishes Everyone
Good Luck on Exams!**




REIMANN, from Page 11

material. When did you begin that practice and what purpose do you think it serves?

I probably began it more than ten years ago when I had started finding cartoons that seemed both funny and apposite to certain aspects of the course. I don't think they have much intellectual content. They simply lighten things up. As I sometimes say in class, many of the more bizarre aspects of the stuff that at least I teach you have to take tongue in cheek. And I don't want students to take it all too seriously. It's really simply to give them an opportunity for a good laugh somewhere in the middle. There's no deeper purpose behind it.

Tell us about the base-jumping information up on your wall. Is that something that you did or plan to do?

I'm an experienced skydiver and have also made about two dozen base jumps but this is one of the things I've been wanting to do for a long time. It's up there as a reminder so I don't forget. I want to go with a friend of mine whose kids are still in college. His youngest kid is graduating next year, so we're eyeing next year. It's costly - a \$5,000 two-week trip. But maybe next year we'll throw out the money and go and do it.

Where is it?

In Venezuela - Angel Falls. I've seen videos and they're amazing. This is one of the things I still really want to do.

So are you and adventure seeker then?

Yeah. I think in some regards, yes. I would pay \$5,000 to jump off Angel Falls.

You ride a motorcycle, don't you?

Yes.

Is that a longstanding habit of yours?

Oh yeah. I've been on motorcycles for longer than most people.

Where'd you pick it up?

In Germany, when I lived in Germany. Everybody had motorcycles in those days. These were the days when fast motorcycles became generally available. Actually in those days it was true in Germany not only in theory but even in practice that you could pretty much go as fast as you wanted pretty much everywhere, certainly on the freeways. Now traffic has made that pretty much impossible. But it is great fun when you're 18 and crazy and fearless - it was just fun to take out a 900 Kawasaki and blast it on the freeway.

Do you have any sports cars?

No. I used to have a BMW in Germany. There's no point in having a fast car here. You can't use it.

In past years for the Student Funded Fellowships (SFF) Auction you've put on bid a chance to go to dinner with you at a German restaurant. And you appear at this dinner in full lederhosen. Has that proven popular in the past?

Well students paid a couple of hundred dollars for it, which I found amazing. When we actually went a few weeks ago - I think there were four, plus myself - we had a great time and drank a lot of beer. Unfortunately I could not drink that much because I had to drive. But we had a good time, so I think it was a better idea than I initially thought.

Did you propose the idea, or did SFF approach you?

No, I cooked it up.

Do you ever find other occasion to wear that outfit?

Sometimes I do it for Halloween. I once did it in the Law School for Halloween because I thought it was funny. But I haven't done that in a lot of years. I don't wear it, you know, day-to-day. It's just a costume.

Where in Germany are you from?

I was born and raised in the Frankfurt area, not far from the Frankfurt Airport, but then spent most of my adult life in Germany at Freiburg, which is down south in the Black Forest and much prettier than the Frankfurt area.

Do you try and go back there often?

I'm trying to go back there as little as possible, because I hate flying and the jet lag and all that. But it still means that I go back two to three times a year.

You also seem to have a long list of places where you've been a faculty member. Do you look for opportunities to travel, or is it particular research interests that take you there?

It's not really opportunity to travel, although I've taught in some interesting places. It's in part a combination of knowing people there, which makes it difficult to turn down invitations, the comparative lawyer's interest in seeing how other institutions work (you learn a lot when you're part of an institution even for a couple weeks), and also of the general mission of the Law School to create and maintain relationships with foreign academic institutions - in the long run that bears a lot of fruit. So last year when I taught at the Bucerius Law School in Hamburg I did it mainly because we have an exchange program with them, and I wanted to see the school from the inside and see the people there. So I now know the other end and we just have a much better idea of who we're involved with. The same is true with the Universities of Tokyo and Paris and so forth.

Some cities are also great fun. I taught a semester at the University of Paris and I enjoyed it tremendously.

On your biography on the Law School web site, it ends with the disclaimer that you do not use e-mail. How did that

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decision arise and has it proven to be an impediment at all for you?

Well, the bad news is it's about to change. I knew it was a losing battle I was fighting and I would eventually have to give in. I see a lot of upsides in e-mail and I use it for transferring documents back and forth. And sometimes it helps to communicate particularly over time zones. But I think it's vastly overrated as a means of communication because some things become much more complicated on e-mail. If you have three or four people involved, they all talk across each other and one five-minute phone call, one conference call, could clear the whole thing up. It's also done horrible things to the style of communication. Even my colleagues often don't write intelligible English when they resort to e-mail. And I haven't received a decent letter in probably a decade. There are some people around here who, rather than talk to me, request that I send them an e-mail and they are less than 20 feet from here, and I find that a little disconcerting. It means a breakdown in human communication. If it were contained and used for the purposes that it's really very useful for, then I would be all for it, but I think it's overused and on the whole should be used more carefully.

Do you find that e-mail use has been delegated a lot to your secretary, that people who want to contact you by e-mail simply contact her, with the idea that maybe she'll print it out and hand it to you?

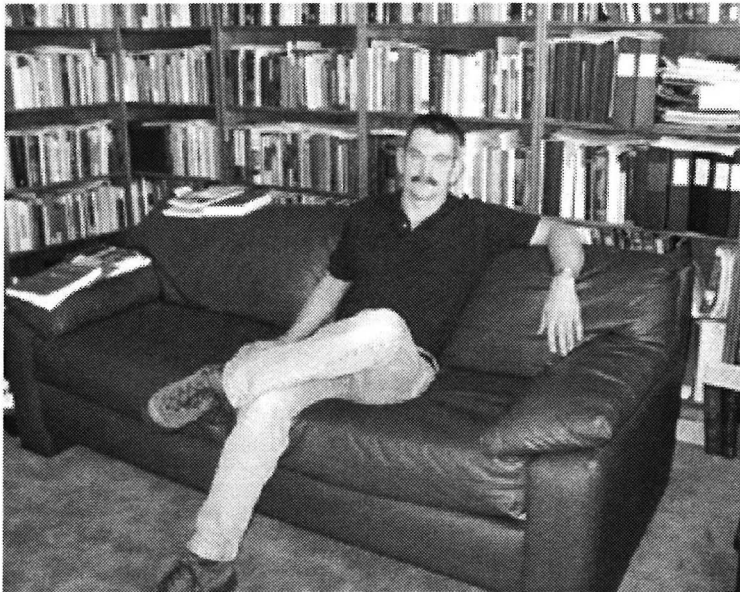
Well, she does that. The one thing about e-mail is it's too easy. It makes access to people too easy - not only to myself but to everybody. If people really have a

concern, there should be a certain threshold that they have to get over. If it's not important enough to cross that threshold (and that's no higher than knocking on my door), then it's probably not important enough to waste their or my time. Clicking on e-mail and sending an e-mail to half a million people is just too simple. And that's one of the concerns I have with it.

Are you a lone wolf among the faculty?

With regard to email, probably by now, yes. There were some holdouts, but I think they've all given in. You can't live without e-mail in the modern age. You can control it and contain it, but you can't do it simply without.

So do you plan to keep your e-mail address a secret?



Yes.

Teaching or research, do you have a preference?

No. I think the nice thing about this job is that you do both. The pressures are all in the direction of research, because teaching is not rewarded outside the

classroom and sometimes not even inside the classroom. But on the whole I like the balance. Teaching always seems to get into the way of other things, but if we didn't do it we would probably completely lose touch and start writing about things that are even less relevant. So it keeps you kind of grounded. When I have to put research aside and get ready for class, I resent it. But then I walk into the classroom and I enjoy it.

At the end of your courses, students get a little speech from you on why you don't hand out student evaluations. What are the reasons behind that?

It has seemed to me over the last couple of years that the Law School does not truly reward good teaching to the point where it is worth making an investment. We all want people to teach at a fairly decent level and I don't think we put up with horrible teaching in the long run.

There may be exceptions, but by and large I think the teaching level is acceptable and actually quite high and probably better than at many peer schools. But nobody really cares about that. Handing out student evaluations creates the impression that the institution takes the quality of teaching much more seriously than it does. I think that's a wrong impression and students shouldn't get it.

There's another reason to hand out student evaluations, which is you learn something from them. But if you taught the same course for many years the learning curve is pretty low. I always encourage people if they have concrete

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criticisms to contact me. And a fair number of people do. About a half dozen people come to me and make suggestions which are often very helpful, and that does the trick.

In your research is there anything that stands out recently that you're fairly interested in or going after?

Well, now much time is absorbed by this casebook project that we're doing for Transnational Law. That requires a lot of thinking and a lot of reading. Other than that, my research agenda is very diverse. I'm by training a legal historian. Virtually all the work I do in Europe is legal history or comparative legal history. Virtually all the work I do here is conflict of laws and international litigation. My long-term goal is to try to figure out what we can really learn from, and how we should teach, comparative law. It's a very difficult question and I'm not sure that I've made a lot of headway. I used to teach a course entitled "European Legal Systems" which was a standard comparative law course and I stopped teaching it about ten years ago because I simply failed to see why I was doing this. I'm still trying to understand what the value of that would be and would like to go back to do it, but not without a clearer concept. I don't think any of my colleagues at other schools really have a concept. They just do it because they do it. I don't find that sufficient. So I keep writing articles about it and come back to that topic.

You've written a lot of book reviews. Is that something that you like to do?

I think book reviews are a very good thing. First of all, professionally you have to read a lot of books and if you get to write a review you're rewarded for reading it in a sense because you get a little publication out of it. Also, once you write a book review, you really have to think it through - you can't just put it aside and say, "Well, that was pretty interesting." So I continue to write one or two a year.

It's also a good professional service. I like to read good book reviews and to produce good book reviews, mainly short ones, because nobody can read all the stuff that's out there. Reading a good book review can help you make a decision whether you want to spend your time reading the whole thing or whether you learned enough from the book review. I continue to do that. It's again something that's not rewarded professionally, but once you're tenured you can do it and no great harm is done.

How do you feel that Michigan's international law curriculum compares to peer schools?

I'm not exactly sure because I'm not sure I have all the information about our peer schools at my fingertips. So what I'm saying is in part anecdotal or based on anecdotal evidence. In terms of the number of courses we offer, we're clearly not ahead of Columbia, NYU or Georgetown, and that's simply because they're in big cities and have tons of adjuncts. We're probably ahead of Stanford and Chicago and probably Berkeley, and maybe even Harvard and Yale. In that sense we're sort of somewhere in the middle. I think we have a pretty good quality program, although it's not huge. Very many of our students take international law subjects. I think probably about half by now take something international before they graduate and I think that's a good sign. We've had constant problems with faculty leaving for other law schools, simply because it seems that an international lawyer would be more interested to be in Washington or in New York. But we're attracting new good people. By and large, I think we're doing quite well. I think we need to offer more in comparative and European law.

Do you feel that an advanced international law course or two is something that every law student here should take?

No, not every law student. Students who have at least a marginal interest

should take it. But I wouldn't say that that's something that has to be on your agenda under all circumstances. I think the whole globalization of legal practice is a little bit overrated. I do think that it's inevitable today that you run into international problems. But a relatively small number, even today, become experts in international law and have that as a major item on their professional agenda. So if a student is interested out of intellectual curiosity, by all means take the international course you're interested in. Or if you think you're going in that direction professionally, I think that's important. But other than that, there are so many competing things you need to learn, that I wouldn't advise every student to take something beyond the basic course.

Any last thoughts, concluding remarks?

The job of law professor for me is sort of an ideal job because you don't have anybody who tells you what to do. I wish there was less pressure to publish. That has increased enormously over the last ten years. And I also think that we should reward teaching more and pay more attention at the hiring and at the tenure stage to teaching. But other than that, it's difficult to imagine a better job in life.



**Is There a
Professor You Want
to See Us
Interview?**

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**Send
Suggestions to
rg@umich.edu**

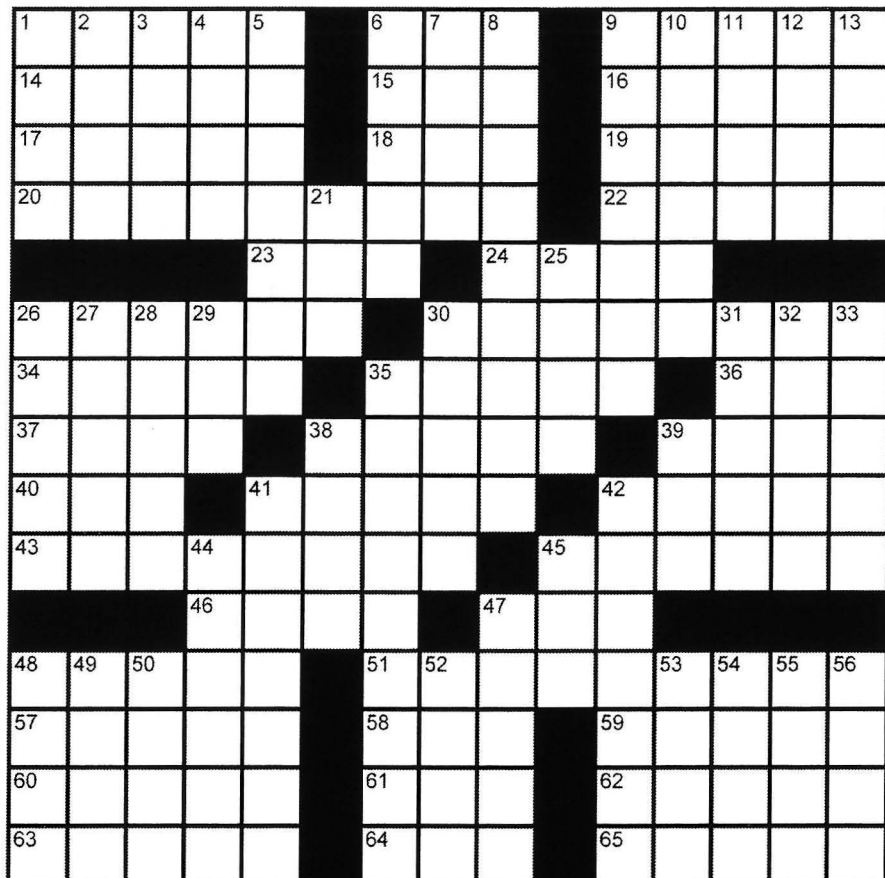
November 13, 2003

ACROSS

1. Great brilliance
6. Ice or old follower
9. TV's Batgirl
14. Doggie
15. Sheep talk
16. In a slow tempo
17. Gem State
18. Vain person
19. Vesuvius ad Etna's home
20. Not a "model" quality
22. "Parent Trap" actress
23. Thanksgiving dessert
24. Russian ruler
26. Pilgrims' action at Plymouth
30. Rough wave
34. Fencing sword
35. Scottish lord
36. Kimono sash
37. "You're so ____"
38. Containing urea
39. Helicon
40. Unit of work
41. Milton's dismal, gloomy
42. Cog
43. Celestial
45. Jewish city section
46. Court
47. Born
48. Tribunal
51. Memory improvement system
57. A stud
58. P. Diddy diamonds
59. Droid
60. ____ Carlo
61. Boy
62. Author Jong
63. Danewort
64. Non-professional
65. Stoneworker

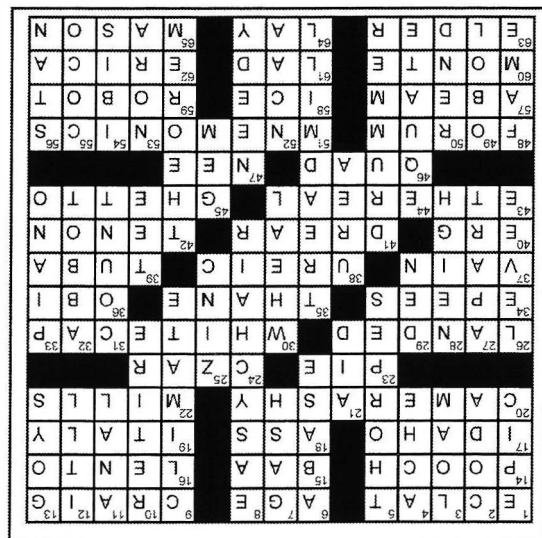
DOWN

1. Saga
2. Finale
3. Silt
4. Pang
5. Hamlets
6. Shame
7. Fear
8. Seat for relaxing
9. Mood
10. Hit the sack
11. Stage in between oral and phallic
12. It will (Contraction)
13. Non-Jews (slang)
21. Help
25. Adamine
26. Formal reception
27. Not together
28. Whinny
29. Mew
30. Pustule
31. Numerate
32. Monastery head
33. Grand or upright
35. Gym device
38. Carbamide
39. Peg
41. Percussionist
42. Rule
44. Liken
45. Jewel
47. Penniless
48. Celebrity
49. Weight of twelve grains
50. Cleave
52. College athletic org.
53. Movie about James Joyce
54. Storklike bird
55. ____ Chanel
56. Eminem hit



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OIL CHANGE, from Page 13

fuel filter. Luckily, changing the fuel filter is a relatively straightforward repair, translation: Cooter is unlikely to screw anything else up.

Fuel System Cleaner: I'll Clean My Own Fuel, Thank You.

It is a good idea to clean the fuel system about every 75,000 miles, but that does not mean you have to pay Cooter \$15-\$20 to pour a five dollar bottle of STP Fuel Injector Cleaner into your tank. Just grab a can at the gas station convenience store the next time you go in for a Big Gulp, and dump it in when you fill up your tank (the injector cleaner, not the Big Gulp).

Speaking of Fuel:

If your vehicle is designed to run on "Regular Unleaded Gasoline," use regular unleaded gasoline. Typically, this is 87 Octane. If you think running premium "high octane" fuel will improve the performance of your vehicle, let me clear something up for you: it won't.

If you have a carbureted engine or an early fuel injected engine (pre-1996ish) you may notice a slight improvement from high octane fuel. But, if you are running a newer engine you won't. Even a high performance vehicle does not really need high octane fuel unless you operate it near the performance limit. Some of you may think you operate your vehicle at the limit, but you don't; that is unless you are a member of the SCCA (Sports Car Club of America) and race your car on the weekends.

PCV Valve: Even Your Engine Needs to Breathe

The Positive Crankcase Ventilation Valve is another inexpensive part with a huge mark up. The PCV should be changed every 15,000 to 30,000 miles. There is no way to determine visually when to change the PCV, so you really

need to check your owner's manual. It is easy to change the PCV, but even easier to let Cooter change it, even if he charges you ten bucks.

Engine Coolant: The Test Tells All

If your car has more than 30,000 miles on it Cooter is likely to recommend you flush and fill your coolant system. First, check your owner's manual to see what the manufacture recommends.

Second, don't take Cooter at his word; make him test your coolant. It's quick and easy, and will tell you whether you need to change the fluid. In general, if your

"If you think running premium "high octane" fuel will improve performance: it won't."

coolant is orange, you can go up to 100,000 miles. If it is green, it will need to be changed sooner.

Of course, you always have to wonder if the tester is rigged, but we'll pretend to trust him for purposes of this article. Oh, and do not mix green and orange! Very bad.

Air Filter: Let Me See it.

This one's easy. Many newer vehicles have indicators mounted on the air cleaner housing that tell you when it is time to change the filter. Simply check the indicator, and if it says to change the filter, change it. If your vehicle has an indicator, ask Cooter to check it, instead of removing the filter.

If your vehicle does not have an indicator, look at the filter, if you wince

when you see it, change it. As a rule of thumb you can expect to change your air filter every 12,000 to 18,000 miles depending on driving conditions.

Tire Pressure: I've Never Heard of Tread Delamination, What's That?

Tread delamination is when the tread of your tire peels off, kind of like an orange peel, and may lead to a catastrophic pressure release (blow out). Tread delamination usually results from the tire overheating, causing the bond between the tire core and the tread to weaken. The best way to avoid it is to keep your tires inflated properly.

After the Explorer debacle, many lube shops started setting all tires to 35 PSI to avoid claims that they under inflated the tires. Higher tire pressure does improve fuel economy, but it increases ride harshness and road noise. There should be a sticker with the tire inflation specifications on the driver's side door jam. If you ask they will set the tires to the correct pressure.

Conclusion: Sorry Cooter, I'll Keep My Money.

Whether you drive a Lexus ES or a Cavalier LS, if you follow these simple tips you can keep your car running for a long time and save some cash. Think of it this way — if you drive 24,000 miles a year, Cooter thinks you should change your oil 8 times. At forty bucks a pop, that \$320. If you follow your owner's manual you may only need to change your oil 3 times, a mere \$120 bucks, a savings of \$200 dollars, or 10 cases of good beer.

Seth Drucker, 3L, holds a Bachelors Degree in Electrical Engineering and has over 10 years experience as an Automotive Powertrain and Chassis Development Engineer.

¹ Reverend Lovejoy, *The Simpsons: Bart Sells His Soul* (Fox Television Broadcast, October 08, 1995)



RUBIN, from Page 3

In addition, Rubin said that the previously mentioned imbalances continue and are worsening. According to him, the current account deficit, which is basically America's trade balance, could have the effect of hurting the dollar. A new imbalance is serious fiscal deficits. Rubin called for "fiscal responsibility" to counteract the massive cost of tax cuts.

Understanding the above risks, which Rubin dubbed the "morass," offers "useful guidance" in projecting the future, he said. He raised the specter of inflation and other "enormous threat[s]" to our future economic well-being. Among them are that deficits constrain America's ability to react to geopolitical threats and that fiscal deficits and private demand for capital will collide as the latter rises. Rubin recognized a need for bipartisanship to "together agree to make the politically hard decisions." He reiterated that realizing America's vast economic potential depends on the policy choices that it makes. "We are on the wrong path on many fronts," Rubin said. Returning to his initial proposition, Rubin attributed the current situation partly to a lack of recognition of the uncertainty and complexity of the world.

At the conclusion of his remarks, Rubin engaged the audience in a lengthy and lively question and answer exchange. In response to one questioner who said that he was less optimistic than Rubin is, Rubin exclaimed, "you view my remarks as optimistic, my lord!" On a more serious note, Rubin said, "deficit reduction usually does not have political resonance. Every political temptation is to focus on the short term and not the long term People need to recognize a connection between current fiscal conditions and future economic well-being." Rubin also fielded questions about China and CEO compensation, handling the latter diplomatically in light of his own position at Citigroup. True to his initial point on uncertainty, Rubin also said, "I wouldn't bet my life on anything—the stakes would be too high."

**PROFILING, from Page 1**

(officer's suspicion); the identity of the stopped suspect, including racial or ethnic information; whether any contraband or weapons were found on the suspect; and whether the suspect was arrested as a result of the stop.

Columbia interpreted the results, asking two questions: First, whether racial targeting was in use? Second, when police use race that way, does it help?

Looking at the numbers of stop-and-frisks: while 25% of the population was black, 50% of the stop-and-frisk subjects were black; while whites were 40% of the population, they made up only 10% of the stop-and-frisks; and finally, while Latinos made up 23% of the total population, 33% of all subjects stopped-and-frisked were Latino. According to Harris, this wasn't about an overwhelming number of minority suspects who were stopped because of identification by their victim to be of that race, nor was it that more calls for law enforcement were being made in minority areas of the city.

"In fact, blacks or Latinos were more likely to be stopped in white neighborhoods, and whites in black neighborhoods. It was about people being out of place."

As to the success rates ("hit rates"), or arrests from these stops, 12.5% of whites were arrested, 10.5% of blacks, and 11.5% of Latinos were arrested, out of a total of 175,000 stop-and-frisks.

When race was not a factor and the officers focused on behavior, Harris reported that the hit rates for each ethnic group were more even.

"We don't get higher hit rates when race is a factor. It's like tying lead weights around officers' ankles. Other studies across the country [had the same results. Where race is a factor, the results drop."

If profiling is applied to terrorist hunts, Harris claims the same will be true. "Observation of suspicious behavior—

that is how you know what people are up to. Once law enforcement is drawn away from behavior and moved to appearance, they will be less effective and less accurate, when the stakes are so much higher. We have to do what's best. They will miss important clues."

Finding a terrorist is like hunting a needle in a haystack—and lumping everyone of Middle Eastern descent or of the Muslim faith together and adding them to the suspect pool will simply "put more hay on the haystack," Harris said.

Instead, intelligence officers and law enforcement should focus on getting to know the different groups of people, and gaining their trust, so that if one of the members of the group sees suspicious behavior, he or she won't be afraid to report it, and will know where and to whom to go.

"We need the Middle Eastern and Muslim communities to be our allies, our trusted partners." Trust is easy to lose and Harris listed a few of the latest gaffes, including imprisonment, interrogation, and deportation.

"It will build fear. Fear cuts off communication," Harris said. "This won't help us. This will hurt us. This is racial profiling."

He urged his listeners to work for change, to educate, and to not be intimidated by the actions of law enforcement, listing John Walker Lind and Richard Reid as two "non-traditional" al-Qaeda members who don't fit the 'profile' of a typical terrorist.

"Profiling makes it too easy on a group like al-Qaeda," Harris said. "They'll just recruit around it. They're a patient group."

Harris teaches criminal law and procedure, and legal ethics at the University of Toledo College of Law. The lecture was sponsored by the ACLU, BLSA, ACS, CLS, and NLG.





Announcements

Today, Nov. 25

THEODORE SHAW

DEPUTY COUNSEL FOR THE
NAACP LEGAL DEFENSE FUND

12:15 - 1:30 P.M.
ROOM 150 HH

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"Can I Have a Meaningful
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Eric Doster,

Foster, Swift, Collins, and
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12:15 P.M.
Room 138 HH
Pizza will be served.

JUVENILE JUSTICE PRESENT
AND FUTURE: A VIEW FROM
THE BENCH

HON. EUGENE ARTHUR
MOORE
OAKLAND COUNTY FAMILY
COURT

4:00 P.M. TO 5:30 P.M.

ROOM 132 HH

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- * January 27
- * February 17
- * March 9
- * March 23
- * April 6
- * April 20

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December

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MOVIE NIGHT**

TUESDAY, DEC. 2

7:15 P.M.

ROOM 150 HH

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